



Atty. Dkt. No. OKUY3001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re of application: )  
Yuichi OKU et al. ) Group Art Unit: 1641  
Appl. No. 10/070,161 ) Examiner: Gary Counts  
Filing Date: March 4, 2002 )  
For: KITS AND METHODS FOR )  
DETECTING OR MEASURING )  
ANALYTES )

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Reconsideration of the final rejection of October 4, 2005 is respectfully requested because the examiner's rationale for maintaining the final rejection, as set forth in the advisory action of March 17, 2005 is considered erroneous for the following reasons:

1. The examiner erroneously states "The instantly recited claims are directed to a kit ... . The currently recited claims are not drawn toward assay methods or assay steps."

In point of fact, pending claims 23, 26 and 27 are "drawn toward assay methods."

2. The "biotinylated (B1) antibody (L1) combined with streptavidin (R1) coupled to nucleic acid (M)" (p.8, para 0079, lines 54-60) which the examiner characterizes as applicants' "receptor I" does not meet the definition of "receptor I as defined by applicants' claims because it has no marker.